

REMARKS/ARGUMENTS

The claims are 1 and 5-12. Claim 3, which the Examiner indicated contained allowable subject matter, has been rewritten in independent form by amending claim 1 to incorporate the subject matter of claim 3 (including claim 2 upon which claim 3 depended). Accordingly, claims 2 and 3 have been canceled, and claims 6, 8, 10 and 11 have been amended to depend on claim 1. In addition, claim 4 has been canceled in favor of new claim 12. Reconsideration is expressly requested.

The Examiner indicated that claims 3, 6-9 and 11 contain allowable subject matter; however, claims 1, 2, 4, 5 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Gordon U.S. Patent No. 2,755,955* in view of *Shiotani U.S. Patent No. 4,630,745* alone (Claims 1, 2, and 10) or in view of *Muise, Jr. U.S. Patent No. 6,354,487* (Claim 4) or *Inayama U.S. Patent No. 4,863,056* (Claim 5), for the reasons set forth on pages 2-3 of the Office Action.

Essentially the Examiner's position was that *Gordon* discloses the collapsible plastic storage and transport container recited in the rejected claims except for the

containers being made of plastic, that *Shiotani* teaches that it is known to make a collapsible container from plastic, and that it would have been obvious to one having ordinary skill in the art to make the container of *Gordon* out of plastic as taught by *Shiotani* in order to give the container sufficient strength for reducing the overall weight. *Muise, Jr.* is cited with respect to Claim 4 as teaching the forming of a sidewall with tabs that extend through the top end into a bottom recess in the bottom of a container that is set into it. *Inayama* is cited with respect to Claim 5 as teaching the formation of a crosswise sidewall with two tabs.

In response, Applicant has amended claim 1 to incorporate the subject matter of claims 2 and 3, has amended claims 6, 8, 10 and 11 to depend on claim 1 as amended, and has canceled claims 2 and 3. Accordingly it is respectfully submitted that claims 1 and 5-11 are now in condition for allowance. In addition, Applicant has canceled claim 4 in favor of new claim 12 and respectfully traverses the Examiner's rejection for the following reasons:

As set forth in new claim 12, Applicant's invention provides a collapsible plastic storage and transport container

including a bottom extending in a plane, first and second lengthwise side walls connected to the bottom, first and second crosswise side walls connected to the bottom, a top end frame connected with the side walls in articulated manner near top edges of the side walls, a holder in the top end frame and a bottom recess in the bottom, and at least one tab adapted for being fastened in place in a complementary recess in the top end frame with a positive lock.

The tab is substantially cylindrical in shape and is adapted to project, in the upright position of the crosswise side wall, beyond the holder in the top end frame into a bottom recess in the bottom of a container that is set onto the container. Each crosswise side wall is structured in one piece, is provided at a top edge with a device to secure it in place with a positive lock on the top end frame, and is adapted to pivot near the bottom about a crosswise axis that is parallel to the plane of the bottom from an upright position into a horizontal collapsed position after release of the lock. In this way, the container may be readily closed by a container placed thereon and provides a safety device that is difficult to manipulate by unauthorized persons.

As the Examiner has recognized neither *Gordon* nor *Shiotani* discloses or suggests a collapsible plastic storage and transport container having at least one tab adapted for being fastened in place in a complementary recess in the top end frame with a positive lock wherein the tab is substantially cylindrical in shape and is adapted to project, in the upright position of the crosswise sidewall, beyond a holder in the top end frame into a bottom recess in the bottom of a container that is set onto the container. Although the Examiner has cited *Muise, Jr.* as showing this feature, it is respectfully submitted that *Muise, Jr.* is directed to a paper board container and therefore would not be looked at to solve the problems to which Applicant's plastic storage and transport container is directed in which manipulation of the closure safety device by unauthorized persons is made more difficult and the handling of the container is made easier.

Moreover, even if one were to combine the paperboard container of *Muise, Jr.* with *Gordon* and *Shiotani* as suggested by the Examiner, it is respectfully submitted that one would still not achieve the collapsible plastic storage and transport container as recited in new claim 12 in which the container may be locked either by a cover or by a container placed thereon in

such a manner that the merchandise stored in the container is not accessible and manipulations of the closure safety device are made more difficult.

The remaining reference to *Inayama* has been considered but is believed to be no more pertinent as *Inayama* fails to disclose or suggest a collapsible plastic transport container having at least one tab adapted for being fastened in place in a complementary recess in a top end frame with a positive lock wherein the tab is substantially cylindrical in shape and is adapted to project, in the upright position of a crosswise side wall, beyond a holder in the top end frame into a bottom recess in the bottom of a container that is set onto the container. Thus, it is respectfully submitted that new claim 12 is patentable over the cited references together with claims 1 and 5-11 which are believed to be in condition for allowance.

In summary, claims 1, 6, 8, 10 and 11 have been amended, claims 2-4 have been canceled, and new claim 12 has been added. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Applicant also submits herewith a Supplemental Information Disclosure Statement.

Respectfully submitted,
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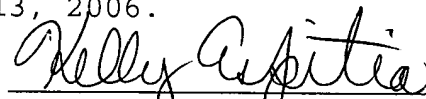
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Enclosure: Supplemental Information Disclosure Statement

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 13, 2006.



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